

PATENT

Atty Docket No.: 200316310-1
App. Ser. No.: 10/799,730

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. By virtue of the amendments above, Claims 1, 28, 41, and 47 have been amended and Claims 2-9, 23-26, 30, 31, 33, 43, 49, and 50 have been withdrawn from consideration without prejudice or disclaimer of the subject matter contained therein. Currently, therefore, Claims 1, 10-22, 27-29, 32, 34-42, 44-48, and 51-54 are pending in the present application, of which, Claims 1, 28, 41, and 47 are independent.

No new matter has been introduced by way of the claim amendments; entry thereof is therefore respectfully requested.

Election/Restriction

The Official Action deems the previously issued Restriction requirement as being proper and Final. Although Applicants disagree with the Restriction requirement, Applicants have withdrawn the non-elected claims from consideration, without prejudice or disclaimer of the subject matter contained therein, to further expedite prosecution of the present application. Applicants, however, reserve the right to reinstate the withdrawn claims if any generic or linking claims are found to be allowable.

Drawings

The Official Action does not indicate whether the Drawings filed on March 15, 2004 have been accepted. However, because the Official Action does not provide any specific objections to the Drawings, the Drawings are deemed to be acceptable. Should this

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assumption be in error, the Examiner is respectfully to provide notification of such error in any future communications.

Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 10-22, 27-29, 32, 34-42, 44-48, and 51-54 have been rejected under 35 U.S.C. §102(b) as allegedly being clearly anticipated by the disclosure contained in either U.S. Patent No. 5,145,456 to Ito et al. or U.S. Patent No. 5,461,875 to Lee et al. These rejections are respectfully traversed because Ito et al. and Lee et al. fail to disclose each and every element of independent Claims 1, 28, 41, and 47 and the claims that depend therefrom.

Claims 1, 28, 41, and 47 have been amended, in one respect or another, to include that a vent assembly is positioned to supply cooling airflow from a plenum that receives the

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cooling airflow from an air conditioning unit. The plenum is also described as being positioned in at least one of a raised floor and a lowered ceiling in a room. As such, the vent assembly is configured to supply cooling airflow from the plenum and into the room to thereby cool heat generating components housed therein.

Neither Ito et al. nor Lee et al. disclose the present invention as set forth in Claims 1, 28, 41, and 47. More particularly, Ito et al. discloses an automotive air conditioner 1 and Lee et al. discloses a package type air-conditioner. As such, neither Ito et al. nor Lee et al. discloses a control system for controlling a vent assembly positioned over a plenum formed in at least one of a raised floor and a lowered ceiling in a room. In this regard, Ito et al. and Lee et al. fail to clearly anticipate the present invention as set forth in independent Claims 1, 28, 41, and 47. The Examiner is therefore respectfully requested to withdraw the rejection of Claims 1, 28, 41, and 47 and to allow these claims.

The claims that depend from Claims 1, 28, 41, and 47 are also allowable over the cited documents of record at least by virtue of their dependencies. These claims are further allowable because they contain additional features not disclosed in the cited documents of record. For instance, none of the cited documents appears to disclose logic gate structures and operations as recited in Claims 12-17 and 34-37. In addition, none of the cited documents appears to disclose a robotic device being configured to supply power to a motor of the vent assembly as claimed in Claims 27, 38, 46, and 52.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.